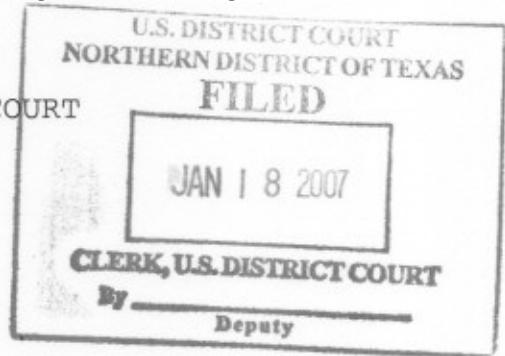


IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION



WALTER ROY,

Petitioner,

VS.

NO. 4:06-CV-494-A

NATHANIEL QUARTERMAN,
Director, Texas Department
of Criminal Justice,
Correctional Institutions
Division,

Respondent.

O R D E R

Came on for consideration the above-captioned action wherein Walter Roy ("Roy") is petitioner and Nathaniel Quarterman, Director, Texas Department of Criminal Justice, Correctional Institutions Division ("Director"), is respondent. This is a petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2254. On November 17, 2006, the United States Magistrate Judge issued his proposed findings, conclusions, and recommendation, and ordered that the parties file objections, if any, thereto by December 8, 2006. Roy timely filed a "Motion for Judgement Rule 60(b) Relief from Judgement or Order (b) (6)" ("motion") which the court construes to be his objections to the magistrate judge's findings.

In accordance with 28 U.S.C. § 636(b)(1) and Rule 72 of the Federal Rules of Civil Procedure, the court makes a de novo determination of those portions of the proposed findings or recommendations to which specific objection is made. United

States v. Raddatz, 447 U.S. 667 (1980). The court need not consider any nonspecific objections or any frivolous or conclusory objections. Battle v. United States Parole Comm'n, 834 F.2d 419, 421 (5th Cir. 1987).

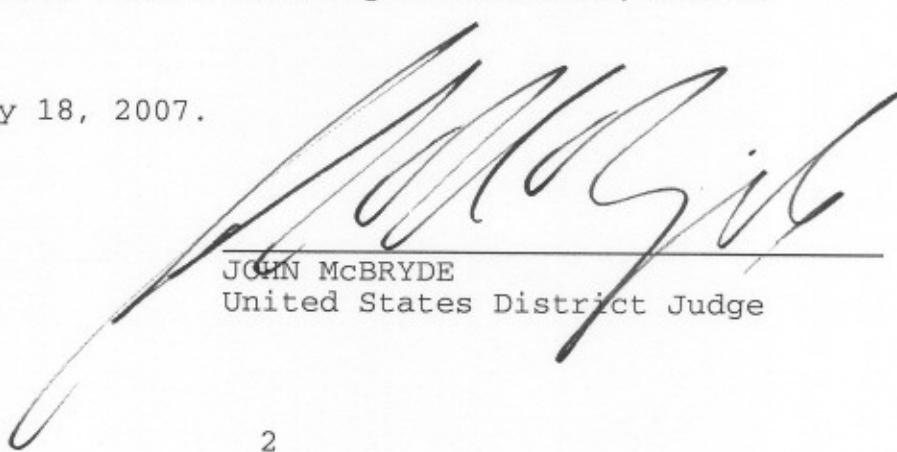
Roy filed his federal petition for writ of habeas corpus in this court on July 17, 2006, pursuant to 28 U.S.C. § 2254. The magistrate judge found that the applicable statute of limitations ran on Roy's petition on April 6, 2001, and thus his petition should be dismissed as time-barred. Roy does not make any objection to this finding, rather, he argues that the trial court that convicted him did not have proper jurisdiction. Because Roy's argument is not a specific objection to the magistrate judge's finding, the court need not consider it. See Battle, 834 F.2d at 421.

Therefore,

The court accepts the findings, conclusions and recommendation of the magistrate judge and ORDERS that the petition in this action be, and is hereby, dismissed with prejudice as time-barred.

The court further ORDERS that Roy's motion be, and is hereby, denied.

SIGNED January 18, 2007.


JOHN McBRYDE
United States District Judge